

## **IC 20-14-5**

### **Chapter 5. Expansion of Class 1 Public Library Into Township**

#### **IC 20-14-5-1**

##### **Application of chapter**

Sec. 1. This chapter applies only to Class 1 public libraries that seek to expand into not more than one (1) township of a county.

*As added by P.L.224-1983, SEC.1. Amended by P.L.25-1992, SEC.18.*

#### **IC 20-14-5-2**

##### **Proposal of expansion; requisites; filing**

Sec. 2. (a) The library board of any public library may file a proposed expansion with the township trustee and legislative body of the township. The proposal must state that the public library seeks to combine with a certain township or any part of a township not being taxed for public library service to form a single library district.

(b) Except as provided in section 3 of this chapter, when a township trustee and legislative body receive a proposal of expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

*As added by P.L.224-1983, SEC.1. Amended by P.L.25-1992, SEC.19; P.L.21-1998, SEC.5.*

#### **IC 20-14-5-3**

##### **Proposal of expansion; notice; petition or remonstrance; procedure; affidavit; duties of clerk of circuit court**

Sec. 3. (a) When the library board presents the township trustee and legislative body with a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion, within ten (10) days after the filing, the township trustee shall publish notice of the proposal of expansion in the manner provided in IC 5-3-1 in a newspaper of general circulation in the township. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, a person who is a registered voter of the township or part of the township may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township or part of the township, as determined by the most recent general election.

(c) The following apply to a petition that is filed under this

section or remonstrance that is filed under subsection (b):

- (1) The petition or remonstrance must show the following:
  - (A) The date on which each person signed the petition or remonstrance.
  - (B) The residence of each person on the date the person signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:
  - (A) was affixed in the person's presence; and
  - (B) is the true signature of the person who signed the petition or remonstrance.
- (3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). Any signer may file the petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.
- (4) The clerk of the circuit court in the county in which the township is located shall do the following:
  - (A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).
  - (B) Strike the name from either the petition or the remonstrance of a person who:
    - (i) signed both the petition and the remonstrance; and
    - (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.
  - (C) Certify the number of signatures on the petition and on any remonstrance that:
    - (i) are not duplicates; and
    - (ii) represent persons who are registered voters in the township or the part of the township on the day the persons signed the petition or remonstrance.

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(d) The clerk of the circuit court shall complete the certification required under subsection (b) not more than fifteen (15) days after the petition or remonstrance is filed. The clerk shall establish a record of certification in the clerk's office and shall file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.

*As added by P.L.224-1983, SEC.1. Amended by P.L.25-1992, SEC.20; P.L.21-1998, SEC.6.*

#### **IC 20-14-5-4 Repealed**

*(Repealed by P.L.21-1998, SEC.22.)*

**IC 20-14-5-5****Comparison of petition and remonstrance; acceptance or rejection of expansion**

Sec. 5. (a) Not more than forty (40) days after the certification of a petition and remonstrance, if any, under section 3 of this chapter, the township legislative body shall compare the petition and any remonstrance.

(b) When a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the legislative body shall agree to the expansion by written resolution. Not more than ten (10) days after the written resolution establishing an expanded library district is adopted, the legislative body shall submit a copy of the resolution for filing:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

The expansion is effective as of the date the written resolution is filed.

(c) When an equal or greater number of registered voters have signed a remonstrance against the establishment of an expanded library district than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

*As added by P.L.224-1983, SEC.1. Amended by P.L.25-1992, SEC.21; P.L.21-1998, SEC.7.*

**IC 20-14-5-6****Repealed**

*(Repealed by P.L.7-1983, SEC.45.)*

**IC 20-14-5-7****Repealed**

*(Repealed by P.L.125-1984, SEC.12.)*